

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF NEW YORK

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In re:

KRIS D. ROGLIERI

Chapter 7  
Case No. 24-10157-REL

Debtor(s).

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**FIRST APPLICATION OF MARK J. SCHLANT AS SUBCHAPTER V TRUSTEE  
FOR ALLOWANCE OF FEES AND EXPENSES PURSUANT TO 11 U.S.C. §330**

MARK J. SCHLANT, Chapter 11 - Subchapter V Trustee (the “Trustee”), hereby  
respectfully represents:

1. This is the first application, and is anticipated to be the final application, of the Trustee for an allowance of fees and expenses pursuant to 11 U.S.C. §330.
2. The Debtor filed a voluntary Chapter 11 petition on February 15, 2024, in which he elected to be a debtor under Subchapter V of Chapter 11.
3. On February 16, 2024, the United State Trustee filed a Verified Statement of Subchapter V Trustee signed by the Trustee, attesting to his disinterestedness and accepting appointment as Subchapter V Trustee in this case. The Trustee was appointed to serve as the Subchapter V Trustee in this case on February 16, 2024.
4. The Court has jurisdiction of this motion pursuant to 28 U.S.C. §157 and §1334(a). Venue of this motion is appropriate pursuant to 28 U.S.C. §1408 and §1409.
5. The meeting of creditors pursuant to 11 U.S.C. §341 was held on March 14, 2024 by telephone, and on April 4, 2024 in person in Albany, New York.
6. On April 23, 2024, the United States Trustee filed a motion to convert or dismiss the case, which was joined by several creditors and parties in interest, and was not opposed by

the Debtor. The motion was granted during a hearing before the Court on May 15, 2024, and an Order converting the case to Chapter 7 was entered on that date.

7. The Debtor did not present a plan of reorganization or liquidation prior to conversion.

8. Attached hereto and made part hereof as Exhibit A is a detailed statement of the time spent by the Trustee for service in connection with this Chapter 11 proceeding from February 19, 2024, through the present. Each entry shows the date of specific services performed, the amount of time spent, the dollar amount of the charge for each such item of service at the Trustee's normal billing rate, and a narrative description of the service.

9. As is reflected in Exhibit A, the Trustee assisted the Debtors in the following respects during this case:

- A. Reviewed the petition and schedules, amendments thereto, motions, and other filings with the Court, and discussed them with the Debtor's counsel.
- B. Discussed the formation of a potential plan with Debtor's counsel.
- C. Reviewed monthly operating reports filed by the Debtor.
- D. Reviewed the proofs of claim filed by the Debtors' creditors.
- E. Attended the Initial Debtor Interview with the Debtor, his counsel, and the United States Trustee.
- F. Attended the first meeting of creditors.
- G. Reviewed adversary proceedings and motions to extend the time to file adversary proceedings by the Debtor's creditors.
- H. Reviewed motions and related papers filed with the Court and appeared in Court

for scheduled matters, including motions regarding the retention of counsel and the compensation of professionals, a motion regarding the Debtor's request for the Court's approval of arrangements to sell certain vehicles, and the United States Trustee's motion to dismiss or convert the case.

10. The fees requested by the Trustee pursuant to the foregoing total \$7,480.00. In addition, the approval of expenses of \$109.68 is requested.

11. It is submitted that the foregoing, together with the attached detail of the services performed by the Trustee, demonstrates that the Trustee has performed services which have been required and beneficial to the estate. It is submitted that these services have been performed at reasonable rates and in a reasonable manner, and are appropriate as to the subjects as to which services have been performed, the amount of time invested, the amount charged for those services and the overall amount charged.

12. The Trustee is aware that due to the conversion of this case to Chapter 7 any fees awarded at this time likely will await payment until such time as it is appropriate for the Chapter 7 Trustee to make distributions in the case.

**WHEREFORE**, it is requested that this Court approve the Trustee's fees in the sum of \$7,480.00 and expenses in the sum of \$109.68, pursuant to 11 U.S.C. §330, and authorize their payment consistent with applicable authority at such time as is appropriate, together with such other and further relief as the Court deems just and proper.

Dated: May 21, 2024  
Buffalo, New York

s/ Mark J. Schlant  
By: Mark J. Schlant  
Chapter 11 - Subchapter V Trustee  
1600 Main Place Tower  
350 Main Street  
Buffalo, New York 14202  
Tel: (716) 855-3200

**EXHIBIT A**

<b>Date</b>	<b>Time (hrs.)</b>	<b>Amount (\$)</b>	<b>Description</b>
02/19/2024	0.20	55.00	Email with Sean Murray regarding offer to purchase trade show business.
02/20/2024	0.40	110.00	E-mail with Lisa Penparaze and reviewed statements by creditors alleging misconduct by debtor and Prime Capital.
02/21/2024	0.10	27.50	Reviewed IRS proof of claim.
02/21/2024	0.10	27.50	E-mail with Rose McCarthy of Specialty Resolutions as to notice to file claims.
02/23/2024	0.60	165.00	Telephone conference with Joe Barsalona and Edward Cho-O'Leary regarding preliminary issues regarding case.
02/23/2024	0.40	110.00	Research local rules regarding extension time, email with Joe Barsalona and Edward Cho-O'Leary regarding same.
03/06/2024	0.80	220.00	Attended IDI via Teams.
03/11/2024	0.20	55.00	Reviewed Paul Levine's opposition to debtor's motion regarding employment and payment of professionals.
03/11/2024	0.20	55.00	Reviewed miscellaneous new docket entries.
03/13/2024	0.20	55.00	E-mail with Lisa Penpraze regarding fee procedures motion and early stages of case.
03/13/2024	0.20	55.00	Reviewed receiver's report regarding PCV accounts and transfers.
03/13/2024	0.50	137.50	Telephone conference with Lisa Penpraze regarding preparation for 341 meeting.

03/14/2024	0.10	27.50	Reviewed Sec. 1188 report.
03/14/2024	0.20	55.00	Reviewed motion to approve arrangements with US Attorney regarding seized vehicles.
03/14/2024	1.60	440.00	Attended 341 meeting by phone.
03/14/2024	0.20	55.00	E-mail with Pashman Stein attorneys regarding DSO form.
03/14/2024	0.30	82.50	E-mail with Lisa Penpraze regarding 341 meeting and ideas regarding plan.
03/14/2024	0.10	27.50	E-mail with Edward Cho-O'Leary regarding extension of time to file related-entity reports.
03/14/2024	0.20	55.00	Telephone conference with Lisa Penpraze regarding follow-up to 341 meeting.
03/14/2024	0.10	27.50	E-mail with Matt Kai (creditor's attorney) regarding report as to 341 meetings.
03/19/2024	0.10	27.50	Reviewed Joe Barsalona's declaration regarding source of Pashman retainer.
03/20/2024	0.10	27.50	Reviewed UST objection to Pashman retainer.
03/21/2024	0.10	27.50	Reviewed Chase Proof of Claim.
03/21/2024	0.20	55.00	Reviewed 1800 Park objection to Pashman retention and retainer, reviewed supplemental UST objection.
03/22/2024	0.20	55.00	Reviewed Discover and Chase Proofs of Claim.
03/26/2024	0.30	82.50	Telephone conference with Joe Barsalona regarding possible structure and involvement in plan.

03/27/2024	0.70	192.50	Listened to recording of hearing regarding retention and payment procedures motion and 1188 conference (could not attend due to prior commitment in another district).
03/27/2024	0.20	55.00	E-mail to Lisa Penpage regarding hearing regarding fees and regarding 1188 report.
03/28/2024	0.20	55.00	Reviewed objection by Woodside and Denali to motion regarding vehicles arrangements.
04/01/2024	0.10	27.50	Reviewed Onward Holdings proof of claim.
04/02/2024	0.80	220.00	Reviewed schedules.
04/02/2024	0.50	137.50	Reviewed motion regarding arrangement with US government regarding certain seized vehicles in preparation for hearing.
04/03/2024	0.50	137.50	Preparation for attendance at continued 341 meeting.
04/03/2024	1.00	275.00	Appearance in court regarding vehicles procedure motion regarding two vehicles seized by IRS.
04/03/2024	0.10	27.50	E-mail to Eric Monahan regarding ideas regarding sale of vehicles and personalty.
04/03/2024	2.30	316.25	Travel for 341 meeting (to Syracuse) (amount is 50% of normal rate).
04/04/2024	6.50	893.75	Travel to and from creditors' meeting (Syracuse to Albany, Albany to Buffalo) (amount is 50% of normal rate).
04/04/2024	2.80	770.00	Attended creditors' meeting.

04/05/2024	0.20	55.00	Reviewed Denali and 1800 Park Avenue Proofs of Claim.
04/05/2024	0.20	55.00	Reviewed 1800 Park Avenue AP complaint.
04/05/2024	0.10	27.50	Reviewed motion to employ Bill Dreyer as special counsel.
04/05/2024	0.20	55.00	Telephone conference with Eric Monahan of Monahan Real Estate and Development regarding possibility of selling vehicles.
04/09/2024	0.10	27.50	Reviewed Brittany Stewart proof of claim.
04/09/2024	0.10	27.50	E-mail with Henry Jaffe regarding arrangements with FBI regarding vehicles.
04/09/2024	0.20	55.00	Reviewed responses of US Attorney and Tina Roglieri regarding motion regarding sale of vehicles.
04/10/2024	0.20	55.00	Court appearance regarding Sec 105 conference regarding motion to approve arrangements to sell certain vehicles.
04/11/2024	0.10	27.50	Reviewed 1800 Park Avenue objection to Bill Dreyer retention application.
04/16/2024	0.20	55.00	Reviewed US Trustee's limited objection to Bill Dreyer retention application.
04/18/2024	0.20	55.00	Reviewed Compass Charlotte Proof of Claim.
04/22/2024	0.60	165.00	Reviewed AP complaint and Proof of Claim by Paul Levine as receiver of PCV.
04/23/2024	0.30	82.50	Reviewed March 2024 MOR, email to Pashman regarding same.
04/23/2024	0.30	82.50	Reviewed UST motion to convert.



04/25/2024	0.10	27.50	Reviewed Compass-Charlotte's statement in support of motion to convert.
04/25/2024	0.20	55.00	Telephone conference with Joe Barsalona regarding motion to convert case.
04/26/2024	0.50	137.50	Appearance in court regarding Bill Dreyer retention application.
05/02/2024	0.20	55.00	Reviewed Caesars Palace and Co-Nextions Proofs of Claim.
05/06/2024	0.10	27.50	Reviewed Paul Levine's statement in support of motion to convert.
05/07/2024	0.20	55.00	Reviewed Piper Capital Funding's Proof of Claim and statement supporting conversion motion.
05/07/2024	0.10	27.50	Reviewed NYS's statement in support of conversion.
05/08/2024	0.10	27.50	Reviewed 1800 Park's statement in support of motion to convert.
05/08/2024	0.10	27.50	Reviewed ER Tennessee's Proof of Claim.
05/08/2024	0.10	27.50	Reviewed Newlight's amended statement in support of conversion.
05/13/2024	0.20	55.00	Reviewed Piper Capital and ER Tennessee's motions to extend time to object to discharge.
05/13/2024	0.10	27.50	Telephone conference with Joe Barsalona re debtor's position on conversion motion.
05/14/2024	0.10	27.50	Reviewed B and R motion to extend time to file Adversary Proceeding.
05/14/2024	0.50	137.50	Prepared for hearing regarding United

			States Trustee's motion to convert.
05/14/2024	0.40	110.00	Email to (0.20) and telephone conference (0.20) with Lisa Penpraze regarding conversion motion.
05/15/2024	0.20	55.00	Court appearance regarding motion to convert case.
05/15/2024	1.00	275.00	Began drafting fee application.
05/16/2024	1.00	275.00	Continued drafting fee application.
Totals	31.60	7,480.00	

Expenses

04/15/2024	109.68	Hotel - Syracuse - travel to 341 meeting
Total for Expenses	109.68	